

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Kish J.<sup>1</sup>,

Case No. 24-cv-4190 (DJF)

Plaintiff,

v.

**ORDER**

Leland Dudek<sup>2</sup>,  
*Acting Commissioner of Social Security*,

Defendant.

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This matter is before the Court on Plaintiff's Motion for Attorney Fees-Application for an Award of Fees Under the Equal Act to Justice ("Fee Motion"). (ECF No. 18.) Defendant does not oppose the Fee Motion. (ECF No. 23.)

Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) ("EAJA"), and based on the parties' agreement, the Court grants the Fee Motion. The Government shall pay Plaintiff \$5,667.20 in attorney fees. In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA fees may be subject to offset to satisfy any preexisting debt Plaintiff may owe the United States. If, after receiving the Court's EAJA fee order, the Commissioner: (1) determines Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program; and (2) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be

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<sup>1</sup> This District has adopted a policy of using only the first name and last initial of any nongovernmental parties in orders in Social Security matters.

<sup>2</sup> Leland Dudek became Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and the last sentence of section 205(g) of the Social Security act, 42 U.S.C. § 405(g), the Court substitutes Leland Dudek for Martin J. O'Malley as the defendant in this matter.

made payable to law firm of Plaintiff's attorney, **Livgard, Lloyd, & Christel PLLP**. However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by check made out to Plaintiff.

Any checks issued for payment (regardless of whether the check is made out to Plaintiff or to the law firm of Plaintiff's attorney), shall be delivered to the law firm of Plaintiff's attorney at **Livgard, Lloyd, & Christel PLLP, P.O. Box 14906, Minneapolis, MN 55414**.

Dated: April 3, 2025

s/ Dulce J. Foster  
DULCE J. FOSTER  
United States Magistrate Judge